

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

Ramon Gomez-Silva,

Plaintiff,

v.

Case No. 1:06cv121

Warden, Lebanon Correctional Institution,

Judge Michael R. Barrett

Defendant.

ORDER

This matter is before the Court on the Magistrate Judge's Report and Recommendation filed June 12, 2007 (Doc. 12).

Proper notice has been given to the parties under 28 U.S.C. § 636(b)(1)(C), including notice that the parties would waive further appeal if they failed to file objections to the Report and Recommendation in a timely manner. See United States v. Walters, 638 F.2d 947 (6th Cir. 1981). No objections to the Magistrate Judge's Report and Recommendation have been filed.

Having reviewed this matter de novo pursuant to 28 U.S.C. § 636, the Court finds the Magistrate Judge's Report and Recommendation to be correct.

Accordingly, it is **ORDERED** that the Report and Recommendation of the Magistrate Judge is hereby **ADOPTED** in its entirety. Petitioner's petition for writ of habeas corpus is **DENIED** with prejudice. This Court also concludes that a certificate of appealability should not issue and an application in forma pauperis on appeal should be denied without a showing by the Petitioner of financial necessity. This action is closed.

IT IS SO ORDERED.